

REMARKS

By this Amendment, claim 1 has been amended. Accordingly, claims 1-15 are pending in this application. The amendment to claim 1 is fully supported by the originally filed application. Accordingly, no new matter has been added by this Amendment.

In the Office Action dated July 27, 2004, claims 1-15 were rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent Number 2,697,433 to Zehnder ("Zehnder") in view of U.S. Patent Number 3,457,922 to Ray. ("Ray").

Applicants respectfully traverse the rejection of claim 1 as obvious over Zehnder in view of Ray. Zehnder does not disclose or suggest, for example, an apparatus having a pivot disposed above a base, as recited by amended independent claim 1. As shown in Applicants' FIG. 2B, the pivot is "situated above the base plate 220 and within the guide platform 230." (Application, page 14, lines 4-5.) An imaging grid is located below the guide platform, and between the pivot and the base plate. The pivot of the Zehnder assembly, on the other hand, is not disposed above a base. Instead, Zehnder's ball-like lower end is mounted substantially within a ring member as shown in FIG. 4, and the ring member is mounted substantially within a circular hole in the midportion of a carriage of the assembly. Thus, both the ring member and the lower end are located substantially within the midportion of the carriage and not above a base as required by amended independent claim 1.

Ray does not cure this deficiency. Instead, the tripod base of Ray includes a ball disposed within a clamping ring. As shown in FIG. 1, the clamping ring is located substantially within the tripod base and the ball can be "locked" in position by a complimentary surface of the clamping ring. (Ray, col. 3, lines 1-3.) Positioning the ball within the clamping ring, and, thus, within the tripod base, facilitates this locking. Thus, the ball of Ray is located substantially within the tripod base and is not disposed above a base as required by claim 1.

Since Zehnder fails to disclose or suggest, among other things, a pivot disposed above a base, either alone or in combination with Ray, Applicants traverse the Examiner's rejection of independent claim 1. Reconsideration is respectfully requested.

Claims 2-15 depend directly or indirectly from independent claim 1, and are therefore allowable for at least the same reasons stated above with regard to claim 1. In addition, each of these dependent claims recites unique combinations that are neither taught nor suggested by the cited art, and therefore each are also separately patentable.

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

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The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account no. 06-0916.

Respectfully submitted,

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